

**REMARKS**

Claims 1, 3, 5, 6 and 27-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Magee et al. (U.S. Patent Application Publication Number 2004/0198379, hereinafter "Magee") and claims 2, 4, 7-26 and 29-33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Magee in view of Chen et al. (U.S. Patent Application Publication Number 2003/0157945, hereinafter "Chen"). Respectfully disagreeing with these rejections, reconsideration is requested by the applicants.

Independent claim 1 recites "inferring, by the wireless communications network, a change in the presence state of the MS based upon the monitoring." Independent claim 28 recites "a wireless presence proxy... adapted to infer a change in the presence state of the MS based upon the monitoring." The Examiner cites Magee [0014] as teaching this claim language. Magee [0014] reads:

[0014] Instant messaging and presence server (IMPS) 70 is coupled to location server 60 and to presence proxy 50. Presence proxy 50, location server 60 and presence server 70 comprise the packet switched portion of the home network 100. When location server 60 detects the mobile station 10 within a particular geographic area for which presence services are available, location server 60 sends a signal which triggers presence server 70. Presence server 70 evaluates the particular subscriber 10 against the stored contact list. If the contact list and its associated database indicate notification of presence services are permissible, presence server 70 sends the information via presence proxy 50 to mobile station 10 via base station 20. Location server 60 detects particular conditions for transmitting the triggering signal to presence server 70. For example, if mobile station 10 has entered a shopping mall, school or sports stadium, for example.

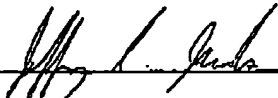
However, the applicants submit that Magee [0014] does not teach inferring a change in the presence state of the MS based upon the monitoring.

Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1 or 28, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior

art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 – Motorola, Inc.

Respectfully submitted,  
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